

DRAFT

STATE OF WASHINGTON
DANGEROUS WASTE MANAGEMENT PERMIT
FOR CORRECTIVE ACTION

Department of Ecology
P.O. Box 47775
Olympia, Washington 98504 - 7775

Issued in accordance with the applicable provisions of the Hazardous Waste Management Act in Chapter 70.105 Revised Code of Washington (RCW), and the regulations promulgated thereunder in Chapter 173-303 Washington Administrative Code (WAC).

ISSUED TO:

Occidental Chemical Corporation
709 Alexander Avenue
Tacoma, Washington, 98421
And
Pioneer Americas LLC
605 Alexander Avenue, Box 2157
Tacoma, Washington, 98421

FOR:

Pioneer Americas
605 Alexander Avenue
Tacoma, Washington, 98421

This Permit is effective as of _____, 2005 and shall remain in effect until _____, 2015 unless revoked and reissued, modified, or terminated under WAC 173-303-830(3) and (5) or continued in accordance with WAC 173-303-806(7).

ISSUED BY: WASHINGTON STATE DEPARTMENT OF ECOLOGY

K Seiler, Section Manager

Department of Ecology

Hazardous Waste & Toxics Reduction Program

Southwest Regional Office

INTRODUCTION

PERMITTEES: Pioneer Americas LLC and Occidental Chemical Corporation

I.D. Number: WAD 009242314

Pursuant to Chapter 70.105 RCW, the Hazardous Waste Management Act of 1976, as amended, and regulations codified in Chapter 173-303 WAC, a permit is issued to Occidental Chemical Corporation and Pioneer Americas LLC (jointly referred to as the Permittees) to conduct corrective action at Pioneer Americas, located at 605 Alexander Avenue, Tacoma, Washington, 98401. The Permittees must comply with all conditions of this Permit.

Pursuant to RCW 70.105D.030(1)(d), the Washington State Department of Ecology (Ecology) is designated by the Washington State Legislature to carry out all State programs authorized by the United States Environmental Protection Agency (EPA) pursuant to the federal Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Sec. 6901 et. seq., as amended. Ecology has authority to issue this Permit in accordance with RCW 70.105.130 and is responsible for enforcement of all conditions of this Permit. Anyone may appeal these permit conditions or decisions by Ecology to the Pollution Control Hearings Board in accordance with WAC 173-303-845.

PART I - GENERAL CONDITIONS

I.1 The Permittees shall comply with all requirements of WAC 173-303-810, which are hereby incorporated by reference into this Permit.

I.2. Modifications to the Administrative Order on Consent for Removal Activities Embankment and Area 5106 U.S. EPA Docket No. 10-97-0011-CERCLA as amended effective February 1, 2005 (AOC), which is jointly administered by the United States Environmental Protection Agency (EPA) and Ecology, shall not require a permit modification, except when required by WAC 173-303-830, Appendix I (N)(5) to incorporate a substantial change requiring public comment under WAC 173-340-600. The Administrative Order on Consent is not appealable to the Pollution Control Hearings Board.

I.3. Compliance with the terms of this Permit does not constitute a defense to any order issued or any action brought under any other state or federal laws governing protection of public health or the environment. However, compliance with the terms of this Permit does constitute a defense to any action alleging failure to comply with the applicable standards upon which this Permit is based.

I.4. Pursuant to WAC 173-303-806(6), the Permittees shall submit a new application for a final permit 180 days prior to the expiration date of this permit, unless Ecology grants a later date provided that such date is not later than the expiration date of the Permit. This Permit and all its conditions will remain in effect beyond the Permit's expiration date until Ecology has made a final permit determination if: (1) the Permittees have submitted a timely application for a final status permit; (2) Ecology determines that the final permit application is complete as set forth in WAC 173-303-840(1)(b); and (3) Ecology has not made a final permit determination as set forth in WAC 173-303-840.

If the Permittees fail to comply with the terms and conditions of the expiring or expired permit, then Ecology may take action consistent with WAC 173-303-806(7)(b). If the Permittees fail to submit a timely, complete application as required herein, then those permit conditions necessary to protect human health and the environment will remain in effect beyond the Permit's expiration date in accordance with WAC 173-303-815(2)(b)(ii), until Ecology terminates the conditions.

PART II - CORRECTIVE ACTION

II. Ecology is requiring that the Permittees fulfill corrective action responsibilities for the facility, as defined by WAC 173-303-040, using the Model Toxics Control Act (MTCA), (Chapter RCW 70.105D), as amended, and its implementing regulations (Chapter 173-340 WAC), and the Dangerous Waste Regulations [(Chapter 173-303 WAC – specifically, WAC 173-303-646]. See Section III.1, *infra*. The actions taken must meet or exceed all substantive corrective action requirements of the Resource Conservation and Recovery Act (RCRA), the state Hazardous Waste Management Act, and the Dangerous Waste Regulations.

The Permittees' corrective action obligations with respect to the facility under the AOC, as amended effective February 1, 2005, are enforceable conditions of this Permit under the authority of Chapter 70.105 RCW, and its implementing regulations, Chapter 173-303 WAC.

PART III - CORRECTIVE ACTION CONDITIONS

III.1. The Administrative Order on Consent for Removal Activities Embankment and Area 5106 U.S. EPA Docket No. 10-97-0011-CERCLA as amended effective February 1, 2005 and its attachments are incorporated by reference as fully enforceable under this Permit. Regardless of whether or not the AOC is vacated, the Permittees corrective action obligations continue to be enforceable conditions of this Permit under the authority of the Hazardous Waste Management Act (HWMA), Chapter 70.105 RCW, and its implementing regulations, Chapter 173-303 WAC.

III.2. When Ecology and EPA select a final cleanup remedy for Pioneer Americas, this Permit will be modified as needed to include the Ecology and EPA selected remedy and incorporate by reference a consent decree or other available administrative mechanism.